

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Kazuhiro Gono	Examiner:	Sanjay Cattungal
Serial No:	10/534,921	Art Unit:	3768
Filed:	May 9, 2005	Docket:	18871
For:	IMAGING APPARATUS	Dated:	March 25, 2009
Conf. No.:	1792		

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

Pursuant to the restriction requirement imposed in the Official Action dated February 25, 2009, Applicant elects the claims of Group I, Claims 1-18, for continued prosecution herein.

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that this correspondence is being deposited with the United States Patent & Trademark Office via Electronic Filing through the United States Patent and Trademark Office e-business website, on the date set forth below.

Dated: March 25, 2009

/Thomas Spinelli/
Thomas Spinelli

Claims 1-22 are present in the above-captioned application and have been subjected to restriction under 35 U.S.C. § 121. Specifically, the Official Action avers that the following inventions are present in the claims:

Group I, Claims 1-18, drawn to an imaging apparatus; and

Group II, Claims 19-27, drawn to a living body scattering imaging apparatus.

It is the Examiner's position that the inventions listed as Groups I and II are distinct from each other.

In response to the Examiner's requirement for restriction, Applicant elects to prosecute the subject matter of Group I, Claims 1-18. However, Applicant reserves the right under 35 U.S.C. § 121 to file one or more divisional applications directed to the non-elected subject matter in this application.

In view of the foregoing, an examination on the merits of the elected claims, at an early date, is earnestly solicited.

Respectfully submitted,

/Thomas Spinelli/

Thomas Spinelli

Registration No.: 39,533

Scully, Scott, Murphy & Presser, P.C.
400 Garden City Plaza, Suite 300
Garden City, New York 11530
(516) 742-4343
TS:cm